

**REMARKS**

In regard to the amendments, applicant has modified the language of claim 21 to include the word “systems”, by which applicant has sought to clarify the terms of that claim and otherwise bring it into agreement with claim 19, on which it depends. Applicant submits that this change adds no new matter and does not substantively change the meaning or scope of that claim.

Applicant has also made one minor change to the specification, in response to the examiner's requirements as discussed below.

Applicant has carefully reviewed the examiner's remarks in the final office action dated 1/5/2004, after which applicant has thoughtfully considered the contained arguments of rejection to be unsupportive of each and all of the conclusions reached. In this response, applicant first presents some important introductory arguments in anticipation of traversing particular points of rejection, with the intent to clarify the remaining issues.

**ARGUMENTS IN GENERAL**

Applicant has been reluctant to present the overall concepts of the Chelliah reference cited in all claims rejections to date, as the applicant has not wished to risk mischaracterization of that reference. It has now become apparent, however, that the examiner's view and the applicant's view of that reference differ significantly, requiring rebuttal remarks by the applicant concerning that reference. Applicant therefore presents the following arguments to clarify and further support arguments made in both in this response and prior responses.

Speaking in general terms, the Chelliah reference discloses an “electronic mall” (col. 6 lines 5-25 or col. 28, line 20) system whereby one or more suppliers may perform certain commercial activities over a network. The procedure of shopping, as disclosed by Chelliah, is characterized

by the steps of (1) entering an electronic mall where a customer is presented with a choice of displayed Electronic Storefronts (col. 6 lines 28-31), (2) entering into a single store/storefront (col. 12, lines 34-35 and col. 13, lines 23-64), (3) selecting items to purchase (col. 12, lines 43-50 and col. 14, line 39 to col 15, line 5), (4) paying for the items selected from the single store (col. 12 lines 56-65 and col. 15 line 33 to col. 23 line 57 and figures 8, 8a and 8b), and (5) delivering the merchandise to the customer (col. 12, line 66 to col. 13 line 9). The specification offers a system to perform that operation generally as disclosed in figures 1-7.

Chelliah explicitly states that the disclosure concentrates “on a transaction in a single electronic store” at col. 12 lines 30-32, with a similar statement “the above description focuses on a Sales Representative Program Object associated with a single supplier of items such as a store” near the end at col. 27 lines 52-54. That fact is reinforced in the following excerpts from Chelliah:

“Alternatively, when the customer terminates interaction with the supplier...” (col. 4 lines 42-43).

“As the customer enters the store, Internal Commerce Systems 16 are invoked by Electronic Storefront 14 to represent the store's interactions with the customer.” (col. 6 lines 40-43).

“Following from the above it may be apparent that each electronic store in an electronic mall must be able to manage customer information, support targeted advertising, perform market research, execute on-line marketing programs like discount pricing, and ensure secure and reliable order and financial transaction processes, all within the context of its own operating style.” (col. 6 lines 59-65: each electronic store has it's own operating style with respect to transaction processes)

“This invention provides such flexibility at the individual store level while supporting

simultaneous transactions among a plurality of electronic stores, by defining a family of elementary Commerce Subsystems 16 and 18 necessary to support the various elements of electronic commerce, and allowing each store to select a particular combination of subsystems interconnected in a particular pattern to suit its particular operating style." (col. 6 line 66 to col. 7 line 6: each store controls the operation of the shared commerce subsystems at the individual store level.)

The Chelliah specification refers to a "Sales Representative Program Object", which is the disclosed component that receives a customer's selections and handles the purchase transaction. In the specification, that object is entirely disclosed as representing a single store, except for the two suggestive sentences at col. 27 lines 56-59 (which will be discussed presently). The following excerpts show that fact:

"after the Sales Representative Object 114 is created, it figuratively accompanies the customer through the store" (col. 15, line 7)

The Sales Representative Program Object 114 is analogous to a sales representative in a store. Just as a sales representative has the responsibility of monitoring the customers activity by being aware of prices of products and discounts available to the customer, and by initiating completion of the transaction, the Sales Representative Program Object 114 carries out these tasks in the online commerce system." (col. 10 lines 44-51)

"Sales Representative Program Object 114 is a program object that is created when the customer selects a store. The Sales Representative Program Object 114 has access to information, kept by the store, about the customer and also controls the flow of a transaction processing session" (col. 10 lines 33-37)

"Sales Representative Program Object 114 is used to obtain information regarding items

that are the subject of the transaction, and initiate clearance for payment and order fulfillment.” (col. 10 lines 39-43: the Sales Representative Program Object obtains the information of the transaction items; since the Sales Representative Program Object handles shopping in a single store, a multiple-store transaction isn't possible.)

“Sales Representative Program Object 114 validates all applicable coupons against the store's Redemption Database 172 (which is part of Incentive Subsystem 160) and obtains the pricing rules for the incentive programs that those coupons represent.” (col. 15, lines 6-9)

The following excerpts demonstrate that orders are fulfilled on a per-store basis in a Chelliah-disclosed system:

“To initiate delivery of the selected items to the customer Order Fulfillment Subsystem 128, a program object that is responsive to Sales Representative Program Object 114, is provided. Typically, the Order Fulfillment Subsystem 128 will serve as a front-end to convert an object-oriented function call such as a CORBA call to a call to an external subsystem that performs order fulfillment. An example of such an external subsystem is Order Fulfillment Legacy Subsystem 130. The Order Fulfillment Legacy Subsystem 130 may, for example, be a store's existing subsystems for delivering a product or a service to the consumer.” (col. 11 lines 50-60)

Similarly, the Sales Representative Program Object 114, Product Database 116, Pricing Engine 120, Tax Engine 122, Shipping Cost Engine 123, Payment Handler Interface 124, External Payment Handler 126, Order Fulfillment Subsystem 128, and Order Fulfillment Legacy System 130 are configured in an In-Store Processing System 142. In-Store Processing System 142 may be, for example, a computer system used to administer one or more of the electronic Storefronts 14 shown in FIG. 1.” (col. 12 lines 10-17: the

components illustrated in boxes 16, 18 and 144 of figure 2 are an in-store system, which is basically everything except the customer and the user-interface. It is nonsensical that the Sales Representative Program Object is part of the in-store system, as it is created when the customer enters a store, above.)

From the above, it is clear that a customer in a system according to Chelliah would be required to check out selected items to be purchased for each store. This is in keeping with the concept of a mall, in which a customer would perform a checkout step at each store. Furthermore, Chelliah introduces the disclosed Electronic Mall system as analogous to a physical mall (see col. 6 lines 5-9).

The only location in Chelliah that departs from the procedure of shopping stated above is at col. 27 lines 54-59: "It is, however, possible that a Sales Representative Program Object can be created to "attend" to a customer interacting with a number of suppliers. In this embodiment, the Sales Representative Program Object can maintain a list of all items selected by the customer as well as a reference to the supplier of each item."

The description of that "embodiment" is encompassed in only those two sentences, and is very vague and indefinite as to the details of the included components and operation thereof. There are multiple ways which this "embodiment" might operate, of which the specification is silent and the reader is left to himself invent.

For example, a customer might enter one storefront at a time, the system permitting switching between storefronts without a checkout step. In such a system, the customer would later return to the storefront to complete the checkout step. It is unclear if the Sales Representative Program Object of Chelliah would exist between stores, or if new Sales Representative Program Objects would be created for each store, and the selected items for purchase be transferred in relay race fashion.

In a second example, a customer might be permitted to enter several storefronts simultaneously, perhaps being presented with several screens each representing a storefront. The Sales Representative Program Object of that example might be shared among the storefronts. The customer might then go through a checkout procedure for each store from which items were selected.

Applicant might very well continue to invent exemplary systems from the multiple supplier “embodiment”, but two is sufficient to show the ambiguity and insufficiency of the Chelliah disclosure.

Because of this ambiguity, applicant strenuously asserts that the “embodiment” disclosed at col. 27 lines 54-59 is complete only to that which is explicitly stated; no inherent objects may be discerned as that disclosure is too vague. The operation of that embodiment is clearly not sufficient defined to demonstrate explicit or inherent disclosure, for example, of a global shopping basket (claims 15-16, 18, 23-24), the segmenting of transaction packet information (claim 15), the aggregation of individual product order items by vendor (claim 15), and a transaction interface by which transaction packets are transmitted from vendor commerce systems to a global shopping basket (claim 23). Additionally, the disclosure of Chelliah is not sufficient to demonstrate a global checkout function, or elements that might facilitate that function.

Furthermore, Chelliah offers no suggested changes to the system to support a customer moving between storefronts. The system as disclosed by Chelliah in figures 2, 3 and 4 is disclosed to work with multiple storefronts, but with a customer visiting only one at a time with a purchasing step at the end of each visit. The Sales Representative Program Object (114 of figure 2) is created by a customer entering a storefront (col. 10, lines 33-35 and col. 13 lines 33-40) and represents a customer through that store (col. 15, line 7). After the purchase is made (i.e. the

shopping ends), the Sales Representative Program Object disappears. Chelliah also describes a “long-lived” Sales Representative Program Object that may become dormant “by causing information regarding that shopping trip to be stored and, for example, flags/pointers to be set so that the Sales Representative Program Object can be revived or recalled at a later date.” That long-lived object is not disclosed to exist beyond a shopping trip through a single electronic store, and that object would not be available if a customer moved to a different electronic store in the same electronic mall system.

Additionally, Chelliah differs from claimed inventions containing a plurality of vendor commerce systems, because Chelliah does not disclose a plurality of vendor commerce systems commonly connected, but rather discloses a plurality of electronic storefronts presented by a common commerce system. Applicant refers to the response to claim 18, below, for further specificity.

Applicant, having shown some of the differences between Chelliah and the claimed inventions generally, will argue the specific legal points of patentability and the defects in the arguments of rejection.

#### SPECIFIC POINTS OF RESPONSE AND ARGUMENT

1. The examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference character 16" has been used to designate both "payment proxy system" and "runtime payment logic" and "payment proxy", referring to pages 22 and 24 of the specification.

Applicant notes that the number 16 following the term “runtime payment logic” in line 7, page 24 should be 62, which is the number referencing the runtime payment logic in figure 4.

Applicant has provided an amendment, above, which makes suitable correction.

2. The examiner has objected to the drawings under 37 CFR 1.83(a), with the statement that the drawings must show every feature of the invention specified in the claims, referring to the runtime payment logic component, alleged to be missing from the drawings.

Applicant notes that the runtime payment logic appears in originally filed figure 4, referenced by the number 62. Applicant cannot therefore amend the drawings to add that which is already there.

3. The examiner has maintained a rejection of claims 15-18 under 35 U.S.C. 102(b) as being anticipated by Chelliah et al (5,710,887), the following being an excerpt containing the substance from the office action concerning that rejection:

*In response to claim 15, Chelliah discloses a method of conducting E-Commerce, comprising the steps of:*

*(A) connecting to an E-Commerce portal (item 26);*

*(B) linking from the E-Commerce portal to a vendor commerce system associated with the E-Commerce portal (item 22);*

*(C) browsing a local catalog of products stored at the vendor commerce system and selecting a particular product for purchase. Chelliah teaches a catalog and shopping cart (col 26, lines 35-53) and the ability to create combinations to internalize the process based on the customers needs (col 28, lines 20-34). Therefore, the catalog and shopping basket "cart" can be located at the vendors commerce system of the central commerce system if deemed necessary by the customer (vendor);*

*(D) transmitting a transaction packet from the vendor commerce system to a common transaction processing system via the Internet, and storing the transaction packet in a global shopping basket (see above and FIG 8, col 25, lines 17-67, col 26, lines 1-67 and col 27, lines 1-21);*

*(E) returning to step (A) and repeating steps (B), (C) and (D) until no additional products are to be purchased (col. 15, lines 6-23);*

*(F) segmenting the transaction packet information stored in the global shopping basket*



*and aggregating individual product order items by vendor (col. 27, lines 51-59);*

*(G) processing the individual product order items for each vendor at the transaction processing system by communicating transaction information between the transaction processing system and a plurality of back-end processing systems (col 1, lines 28-47).*

*In response to claim 16, Chelliah teaches wherein the processing step (G), further comprises the steps of.*

*(G)(1) querying a vendor database to obtain vendor-specific processing rules used by the transaction processing system to process the transaction order items for a particular vendor (col. 15, lines 6-23); and (G)(2) querying a customer database to obtain customer-specific processing rules used by the transaction processing system to process the transaction order items for a particular customer (col. 4, lines 49-59).*

*In response to claim 17, Chelliah discloses a payment proxy system for use with an online transaction processor, comprising: a payment proxy interface for communicating information to and from the transaction processor; runtime payment logic for determining, in real-time, how to process a particular transaction request transmitted to the payment proxy from the transaction processor; and a plurality of payment connection modules coupled to the runtime payment logic for interfacing the transaction request to one of a plurality of payment verification systems (FIGs 8, 8a, 8b, col. 15, lines 43, col. 16, lines 1-67, col. 17, lines 1-45).*

*In response to claim 18, Chelliah discloses an E-Commerce framework, comprising: a plurality of vendor commerce systems linked to a common E-Commerce portal (FIG 1), wherein each vendor commerce system includes a local product catalog and a local shopping basket (See response to claim 15); a transaction processor linked to the*

*E-Commerce portal via a computer network (FIG 2), the transaction processor having a global shopping basket and an interface for communicating transaction information between the local shopping baskets of the vendor commerce systems and the global shopping basket of the transaction processor (See response to claims 15 and 16); a plurality of payment verification systems for authenticating transaction requests generated by the transaction processor when a customer of the framework engages a global checkout function (FIGs 8, 8a, 8b, col. 15, lines 43, col. 16, lines 1-67, col. 17, lines 1-45); and a payment proxy system coupled between the transaction processor and the plurality of payment verification systems for transmitting transaction requests generated by the transaction processor to the appropriate payment verification system (col 6, lines 13-25 and FIG 2).*

The applicant did not have success in convincing the present claims to be allowable in applicant's first response; applicant therefore presents more detailed and specific arguments. Applicant first directs the reader's attention to the Manual of Patent Examining Procedure, 8<sup>th</sup> Edition, Revision 1, page 700-21:

The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.

Applicant traverses the arguments of rejection for claim 15 on grounds that at least the steps labeled D, E, F and G are not disclosed by Chelliah.

As for (F): Chelliah does not explicitly disclose the segmenting of transaction packet information and aggregating individual product order items by vendor. As discussed above in the arguments in general, the Chelliah disclosure teaches interaction by a customer with a single merchant, and does not disclose a single checkout procedure for several vendors. Segmenting and aggregating individual product order items is therefore not required for a customer to perform the checkout step. The disclosure of (F) is therefore not inherent in Chelliah, as Chelliah does not disclose nor imply a single checkout step for a multiple-vendor order.

With regard to the reference at col. 27 lines 51-59, there is no disclosure, explicit or inherent, of the segmenting of transaction packet information or the aggregation of order items by vendor.

As for (G): Chelliah does not explicitly disclose the processing of individual product order items for each of several of vendors. Again, Chelliah discloses a checkout procedure for a single vendor, and does not imply a single checkout step for a multiple-vendor order.

The reference at col. 1 lines 28-47 discloses “back-end subsystems” that contain “business rules defined by the seller”. That reference does not disclose processing order items for several vendors or a common transaction system, and therefore cannot disclose the transfer of transaction information between the common transaction system and a plurality of back-end processing systems.

As for (E): Chelliah discloses a procedure of shopping in an electronic mall at a number of electronic storefronts, in series. A checkout step is required during the customer's visit to each individual store if items are to be purchased, that checkout step occurring before leaving electronic store to browse another merchant's catalog. Chelliah does not explicitly disclose a procedure whereby a customer may repeatedly select items from the local catalogs of several vendors (steps C and D) following which a global checkout is performed (steps F and G). That procedure is not inherent in Chelliah, because Chelliah is almost entirely concerned with a procedure in a single storefront and because Chelliah does not disclose a system supporting a global checkout.

As for (D): Chelliah offers no teaching of transmitting a packet from a vendor commerce system to a global shopping basket.

As for the cited reference at col. 15, lines 6-23, that concerns coupons and has but a passing reference to “the course of selecting items for purchase” (line 14). Not only does that particular reference fail to disclose all of steps A-D, but it also fails to disclose any procedure of selecting items for purchase in any detail.

Regarding other references in Chelliah cited by the examiner: Col. 28 lines 20-34 is alleged to disclose the ability to create combinations to internalize “the process” based on the customer's needs. That reference speaks to a system rather than a process, nor does it speak to either

browsing a local catalog of products or selecting products to be purchased. This reference is unsupportive of the arguments of rejection for claim 15. Applicant points out that a disclosure that components of a system can be reordered or rearranged does not inherently disclose those undisclosed combinations. Absent either explicit or inherent disclosure, such a statement cannot support arguments of anticipation.

With regard to Fig 8 and col. 25, line 17 through col. 27, line 21, that reference does not disclose the transmission of a transaction packet from a vendor commerce system to a common transaction processing system in combination with the storing of that packet in a global shopping basket. Figure 8 depicts a number of objects associated with "the completion of an online transaction in the commerce system" performed by a Sales Representative Program Object (see col. 15 lines 34-38. Figure 8 is discussed with figures 8a and 8b at col. 15 line 33 ("(c) Transaction Completion") to col. 17 line 44, which discussion focuses on the events that occur at checkout/payment, but not events occurring at the time items are selected and placed in a shopping basket. Col. 25 line 17 through col. 27 line 21 concerns the "process of communicating Events ... from Collectors ... to Event Recipients", which are part of an event logging facility (see col. 25 lines 16-47) separate from the activities being monitored. That reference discloses the communication of logging event "packets" to logging "recipients" and does not disclose the transmission of transaction packets to be stored in a global shopping basket.

As for the reference at col. 26, lines 35-35, that is included in the reference just referred to. That reference discloses the operation of a logging facility, and does not disclose the browsing of a local catalog of products and the selection of products for purchase.

Applicant further asserts that the examiner's arguments, relying upon interpretations now refuted for col. 26, lines 35-53 and col. 28, lines 20-34, that "therefore, the catalog and shopping basket cart can be located at the vendors commerce system of the central commerce system if deemed necessary by the customer (vendor)" is devoid of support.

Applicant further notes that in his rejection of claims 19-33, the examiner admits “Chelliah ... does not specifically mention that a vendor may be identified for each selection”. Obviously, if a global shopping basket is to be used, as per steps D, F, and G, a vendor must be identified for each selection or the segmentation step F cannot be performed. If Chelliah does not mention the identification of a vendor for each selection, Chelliah cannot anticipate claim 15. The examiner's positions on claim 15 and claims 19-33 are therefore in conflict.

Applicant further asserts that the procedure of claim 15 (selecting products from the local catalogs of several vendors followed by a global checkout) is not only novel, but also unobvious. Claim 15 is not anticipated by Chelliah and is allowable.

As to the examiner's statement “Therefore, the catalog and shopping basket “cart” can be located at the vendors commerce system of the central commerce system if deemed necessary by the customer (vendor)”, that statement and the related arguments are not sufficient to show inherency of a catalog or shopping cart at a vendor commerce system. Those arguments aren't even sufficient to show obviousness, as a mere showing that something “can” be done does not provide a motivation to do that something. Additionally, a catalog and shopping cart located to a vendor commerce system isn't recited by this claim, and therefore this argument of the examiner is irrelevant to determining the patentability of claim 15 (perhaps the examiner intended to make this argument for claim 18?)

The further arguments of claim 16 are traversed on grounds as stated for claim 15 and further that the steps numbered (G)(1) and (G)(2) are not taught by Chelliah.

As for step (G)(1), Chelliah does not disclose a vendor database containing vendor-specific processing rules usable to process transaction items for that vendor. Col 1, lines 28-60 discloses servers embodying “business rules defined by the seller” with low flexibility due to “the

intermingling of business rules and application logic.” Because those business rules are combined with (or hard coded in) a seller's software, a vendor database containing vendor specific processing rules is not required by any system disclosed by Chelliah and not inherent.

The reference at col. 15 lines 6-23 discloses a “store's Redemption Database” which concerns coupons as applied to prices when an item is selected. That reference does not disclose activities related to purchasing items using a common transaction processing system or the querying of a vendor database containing vendor-specific processing rules. Indeed, the examiner's arguments regarding this reference are in conflict (does this reference disclose activities related to the selection of items to be purchased as applied to claim 15, or activities related to purchasing the items as applied to claim 16?)

As for step (G)(2), Chelliah does not disclose a database containing customer-specific rules, but rather “customer specific information” (col. 4 line 52) that (presumably) “includes information related to forms of payment available to the customer” (col. 4 lines 57-59). Chelliah does disclose a customer information database that stores information relating to customers (col. 3 lines 26-28). In neither of these references is rules specific to a customer disclosed, but merely information that is used to create a customer monitoring object (col. 3 lines 30-33.) Applicant suggests a reading of the specification from page 22, line 9 to page 23, line 3 for a further explanation of the definition of customer database and customer-specific processing rules.

Claim 16 is therefore not anticipated and allowable. Furthermore, all the claim elements are not found in Chelliah, the invention claimed in claim 16 is therefore also not obvious.

Applicant traverses the arguments of rejection for claim 17 on at least the grounds that (1) a payment proxy interface, (2) runtime payment logic and (3) a plurality of connection modules is not disclosed by Chelliah. Applicant will now discuss the examiner's citations of figures 8, 8a, 8b and col. 15 line 43 to col. 17 line 1-45.

First, applicant objects to the grounds of rejection, in that they amount to a general argument that the limitations of the claims are recited without reliance on specific arguments. Applicant cannot find the elements of the claim limitations on the cited pages or elsewhere in Chelliah. It is almost as if the argument cites large portions of the Chelliah specification in the hope that the applicant will find corresponding structures therein and reject his own claim. Applicant would appreciate direct and straightforward arguments that are rebuttable with specific arguments, pointing out where the particular elements of the claims are disclosed, rather than more general arguments as in his prior response.

As to figures 8, 8a, 8b and col. 15 line 43 to col. 16 line 54, this discloses a procedure through a user interface by which a customer may select a payment method and provide authorization by password. That does not include disclosure of a payment proxy interface, runtime payment logic, or payment connection modules.

As to col. 17 lines 22-45, that concerns fulfilling an order and generating a receipt. That also does not include a payment proxy interface, runtime payment logic, or payment connection modules.

As to the remaining text at col. 16 line 55 to col. 17 line 21, that text discusses the handling of a successful or failed authorization challenge, and very briefly mentions that “the Payment Handler Interface 124 calls External Payment Handler 126 to obtain an authorization to charge” and further that “External Payment Handler 126 is typically a computer system operated by the institution supporting the payment method.” That External Payment Handler cannot include a payment proxy interface, as it supports only a single payment verification system (see application specification page 24 line 15 “The basic purpose of the payment proxy system is to provide a universal payment verification interface ...”). The Payment Handler Interface of Chelliah is disclosed to call the External Payment Handler, but it is not disclosed how that is to be

accomplished.

Furthermore, the interface between the Payment Handler Interface and the External Payment Handler of Chelliah is not disclosed to be a universal interface. Next, there is no runtime payment logic for determining how to process a particular transaction request. Third, the connection objects of Chelliah are not modular. No amount of straining will reveal all of (1) a payment proxy interface, (2) runtime payment logic and (3) a plurality of connection modules in Chelliah.

Applicant further notes that in his rejection of claims 19-33, the examiner admits “Chelliah ... does not specifically mention the use of runtime logic to determine how to best process the transaction”. Claim 17 includes the limitation of “runtime payment logic for determining ... how to process a particular transaction request ...” If Chelliah does not mention transactional runtime logic, Chelliah cannot anticipate claim 17. The examiner's positions on claim 17 and claims 19-33 are therefore in conflict.

Claim 17 is not anticipated by Chelliah and is allowable. Furthermore, all the claim elements are not found in Chelliah, the invention claimed in claim 17 is therefore also not obvious.

Applicant traverses the arguments of rejection for claim 18 on at least the grounds that the combination of (1) a plurality of vendor commerce systems linked to a common E-Commerce portal, each vendor commerce system including a local product catalog and a local shopping basket, (2) a transaction processor linked to the E-Commerce portal having a global shopping basket and an interface for communicating transaction information between the local shopping baskets and the global shopping basket and (3) a payment proxy system is not disclosed by Chelliah.

More particularly, the framework of claim 18 is distinct from Chelliah in the following ways.



First, Chelliah does not disclose the use of local and global shopping baskets in combination. Chelliah discloses a shopping basket (i.e. purchase list 170 of fig. 7) maintained by a Sales Representative Object (114 of fig. 7). That basket is instantiated when a customer selects a store to enter (see col. 10 lines 33-35) and is the only type of basket mentioned. A framework according to claim 18 requires two types of shopping baskets maintained at both the vendor commerce systems (local basket) and at the transaction processor (global basket). In that framework the vendors can maintain their own commerce systems with local catalogs, and maintain a local basket for visiting customers. Unlike Chelliah, in this system a vendor may have his own server system and incentives (discount or coupons) as the vendor desires. The framework provides a unified or “global” checkout procedure, using a global basket maintained in common containing selected items for purchase across several vendors, with selections communicated from the local baskets to the global basket either at the time of customer selection or afterward. Chelliah does not disclose the aggregation of items from local shopping baskets to a global shopping basket, by which a unified checkout procedure may be performed.

Second, Chelliah does not disclose a plurality of vendor commerce systems each including a local product catalog and a local shopping basket, separate from a transaction processor. The system disclosed in detail by Chelliah describes a plurality of electronic storefronts (as in fig. 1) coupled to a common system containing internal subsystems, interfaces to the storefronts, interfaces to the external commerce subsystems and store management dashboards. A careful reading of Chelliah reveals that the management of an electronic store is performed by using a GUI “dashboard” “running at the store manager's local personal computer.” (see col. 19 line 58 to col. 25 line 15) The details of the store, i.e. the items being sold, the prices, the incentives, etc., are maintained at the common system and accessed through a “dashboard client” (280 of fig. 12). The electronic storefronts as disclosed by Chelliah do not maintain shopping baskets, and are thus not complete vendor commerce systems according to claim 18.

Third, Chelliah does not disclose a transaction processor (or any other object) that has a global

shopping basket and an interface for communicating information between local baskets and the global basket.

Fourth, Chelliah does not disclose a payment proxy system, as argued for claim 17.

As to the examiner's references:

As to Fig. 1, as argued above, the electronic storefronts are not complete vendor commerce systems, and figure 1 is not an E-Commerce portal. Fig. 1 "shows an electronic mall" (col. 6 line 26). As argued for claim 15, local product catalogs and local shopping baskets included in vendor commerce systems aren't disclosed.

As to Fig. 2, that is not a transaction processor that includes a global shopping basket, and further does not include an interface for communicating information between local shopping baskets and the global shopping basket. The arguments of claims 15 and 16 do not provide arguments for rejecting a claim including both global and local shopping baskets, and are therefore ineffective for support. Figure 2 additionally does not disclose a payment proxy system.

As to figures 8, 8a, 8b and col. 15 line 43 to col. 16 line 54, this has been discussed by the applicant above. A plurality of payment verification systems coupled to a transaction processor that engages a global checkout function is not disclosed.

As to col. 6, lines 13-25, that reference doesn't even disclose a purchasing event or object, let alone a payment proxy system.

Absent a showing that the limitations are disclosed in the reference (Chelliah), claim 18 is not anticipated and therefore allowable. Furthermore, all the claim elements are not found in Chelliah, the invention claimed in claim 18 is therefore also not obvious.

3. The examiner has rejected claims 19-33 under 35 U.S.C. 103(a) as being unpatentable over Chelliah et al (5,710,887) and further in view of Official Notice. The following is an excerpt containing the substance from the office action concerning the rejection of those claims:

*In regards to claims 19-33, Chelliah teaches all the claimed elements except as follows:*

*Chelliah discloses the claimed invention except for certain locations and various direct couplings of features. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate these features and couplings as shown in the instant claims, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.*

*Chelliah teaches storing a list of purchases and associated information corresponding to a plurality of Suppliers selling products, but does not specifically mention that a vendor may be identified for each selection. It was old and well known in the art at the time of the invention to identify a vendor in association with a purchased item. It would have been obvious to a person of ordinary skill in the art to include in Chelliah identifying the vendor associated with a particular selection, because supplying this information to the customer will allow the customer to make a more informed decision.*

*Chelliah teaches processing orders and storing information in a predetermined format, but does not specifically mention that the predetermined format features of the instant claims. It was old and well known in the art at the time of the invention to place transaction packets in a predetermined format such as stated in the instant claims. It would have been obvious to a person of ordinary skill in the art to include in Chelliah the formatting features of the instant claims, because as stated in Chelliah the system "...provides flexibility at the individual store level while supporting simultaneous transactions among a*

*plurality of electronic stores, by defining a family of elementary Commerce Subsystems 16 and 18 necessary to support the various elements of electronic commerce, and allowing each store to select a particular combination of subsystems interconnected in a particular pattern to suit its particular operating style." Therefore, to accomplish this, it is important to predetermine the format to assure speedy processing of the information amongst the various subsystems. (See also, col 8, lines 50-60)*

*Chelliah teaches transaction processing of a plurality of payment methods (col 8, lines 50-67) but does not specifically mention the use of runtime logic to determine how to best process the transaction. As stated in the specification of the instant application, "The runtime payment logic 62 can take many forms and can operate many functions, in addition to simply determining where to route the particular transaction request. For example, various business rules particular to a certain merchant could be executed by the runtime payment logic. These business rules may take the form of scripting information that is stored in the associated merchant database 18. "Considering this definition it was old and well known in the art at the time of the invention to apply scripting rules to determine how a transaction would be processed. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include scripting rules in the system of Chelliah as taught by the instant claims, because this would assure that the payment was processed properly (see FIG 8B).*

The examiner's arguments, above, are almost entirely of a sweeping and general nature, and do not address the particular elements of claims 19-33. Applicant complains to the office that he cannot appropriately respond to arguments not stated. Applicant is entitled to be informed of the particulars of the arguments of rejection for each claim under consideration, including the specific locations wherein the examiner believes the particular claim limitations are disclosed

and the specific motivations to combine references. Applicant's response will therefore be only as specific as reasonably possible, given the lack of those particular arguments.

Applicant would like the reader to keep the following instructions in mind. Reciting the Manual of Patent Examining Procedure, Eighth Edition, Feb. 2003 revision:

“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (MPEP 2142, page 2100-124)

also:

“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”

and

A statement that modifications of the prior art to meet the claimed invention would have been “

'well within the ordinary skill of the art at the time the claimed invention was made' " because the references relied upon teach all the aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references." (MPEP 2143,01, page 2100-126)

Applicant traverses the arguments of rejection for claims 19-33, on grounds that (A) not all the limitations are taught by Chelliah in combination with arguments of official notice, (B) no motivation to combine those limitations is provided, and (C) no reasonable expectation of success is presented (if there is no motivation, there cannot be an expectation of success). Further, applicant argues that the combinations provided in each of claims 19-33 would not have been obvious to one of ordinary skill in the art, and further asserts that the items of official notice are unsupported in fact. The examiner has offered no documentary support for these factual assertions of official notice; applicant therefore challenges these assertions and requires documentary support of those assertions (see MPEP 2144.04 "C"). Applicant further objects to this action being made final, as applicant has not been offered substantive opportunity for rebuttal (see MPEP 2144.04 "A" "While official notice may be relied on, these circumstances should be rare when an application is under final rejection ... Official notice should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.") The allegations of official notice are unsupported with facts; the examiner may not reject claims on grounds that are unsupported in evidence and not capable of instant and unquestionable demonstration. Applicant requests reconsideration of the allegations relied upon for official notice and thereby reconsideration of the relevant claims.

The examiner first argues that Chelliah discloses the claimed invention(s) except for certain locations and various direct couplings of features. It is alleged by the examiner that Chelliah teaches (1) storing a list of purchases and associated information corresponding to a plurality of suppliers selling products, (2) processing orders and storing information in a predetermined

format and (3) transaction processing of a plurality of payment methods. No other elements are argued to be disclosed by Chelliah.

The examiner admits that Chelliah does not disclose (4) that a vendor may be identified for each selection (of an item to be purchased), (5) the predetermined format features of the instant claims, and (6) the use of runtime logic to determine how best (to) process the transaction. These elements are argued to have been obvious to a person of ordinary skill in the art at the time of the invention, relying on official notice.

Applicant notes that the majority of limitations of claims 19-33 are not even argued by the examiner, and of those several are particularly not found in Chelliah or the official notice products:

- 1- "a merchant database ... (that) stores merchant-specific transaction processing rules that instruct the transaction processor how to process a transaction for a particular merchant" (claim 19 and by dependence 20-33)
- 2- "a plurality of vendor commerce systems" (claim 19 and by dependence 20-33)
- 3- "a transaction processor ... wherein the transaction processor includes a global shopping basket ... capable of storing selections in combination with information whereby a vendor may be identified for each selection" (claim 19 and by dependence 20-33)
- 4- "wherein the plurality of vendor commerce (systems) include a local catalog of products and a local shopping basket." (claim 21 and by dependence 22)
- 5- "wherein the plurality of vendor commerce systems further include a local customer directory and local workflow rules." (claim 22)
- 6- "a transaction interface ... wherein the transaction interface generates a transaction packet ... each time a customer ... purchases a product at one of the vendor commerce systems ... stored in the global basket" (claim 23 and by dependence 24)
- 7- "a payment proxy system" or "a payment proxy interface (claims 27-29)

8- "payment connection modules" (claim 29)

9- "a customer database ... (that) stores customer-specific transaction processing rules ... for a particular customer" (claim 31)

10- "merchant-specific payment verification rules" (claim 33)

The examiner refers to *In re Japikse*, 86 USPQ 70, and refers to that case to support the inaccurate statement that "it has been held that rearranging parts of an invention involves only routine skill in the art." A discussion of that case appears in the current edition of the MPEP 2144.04 VI. "C. Rearrangement of Parts". That case concerns the shifting of the position of a starting switch that doesn't change the operation of the device. That case is not apropos to claims 19-33 because (1) the changes to get from Chelliah to any of those claims is much more complex and much less obvious than the relocation of a switch and (2) the "rearrangement" (as argued by the examiner) results in different operations, which is at least that the system can process transactions according to merchant-specific rules and most broadly a global checkout function. Applicant notes that discussion in the MPEP immediately recites a further case, *Ex parte Chicago Rawhide Mfg Co.*, 223 USPQ 351, 353, and further states in reference "The mere fact that a worker in the art could rearrange the parts of the reference device ... is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device."

Applicant further notes that none of the limitations of claims 19-33 are rearrangements of Chelliah, but rather each of those claimed inventions adds novel and unobvious features to any known prior system at the time the invention was made.

As the *Japikse* case is relied upon for all arguments of rejection of claims 19-33, all of these claims are allowable because (1) *Japikse* isn't applicable to those claims (see above), (2) there has yet to be cited a motivation to combine or change the Chelliah reference to obtain each of claims



19-33 and (3) an expectation of success of those modifications to achieve the object of that motivation has not been shown.

As for (A) above, not all the limitations are taught by Chelliah in combination with arguments of official notice.

As for claim 19, as similarly and presently argued above for claims 16 and 18, Chelliah does not disclose (1) a plurality of vendor commerce systems, (2) a transaction processor that includes a global shopping basket and (3) a merchant database containing transaction processing rules for particular merchants. Repeating what has been said above, Chelliah discloses a shopping basket (i.e. purchase list 170 of fig. 7) maintained by a Sales Representative Object (114 of fig. 7). That basket is instantiated when a customer selects a store to enter (see col. 10 lines 33-35) and is the only type of basket mentioned. Payment is handled by a payment handler separate from the Sales Representative Object (see figs. 8, 8b and col. 16, lines 55-67), which is the object containing the vendor-specific shopping basket. As shown for step (G)(1) of claim 16, Chelliah does not disclose vendor-specific processing rules that instruct how to process a transaction for a particular merchant, or those rules stored in a database. Even if elements 4-6 of official notice could be shown, those would not result in the E-Commerce system of claim 19.

As for claim 20, and as presently argued for claim 18 ("electronic storefronts are not complete vendor commerce systems"), Chelliah in combination with all of elements 4-6 of official notice does not yield a plurality of vendor commerce systems.

As for claim 21, and as presently argued for claim 18, Chelliah in combination with all of elements 4-6 of official notice does not yield a plurality of vendor commerce systems that include a local catalog of products and a local shopping basket, or the use of a global shopping basket in combination with a plurality of local shopping baskets.

As for claim 22, Chelliah in combination with all of elements 4-6 of official notice does not yield a plurality of vendor commerce system that include a local customer directory and local workflow rules.

As for claim 23, Chelliah in combination with all of elements 4-6 of official notice does not yield a transaction interface that generates a transaction packet transmitted from a vendor commerce system and stored in a global basket.

As for claim 24, applicant will presume that element (5) is intended to be argued to disclose a transaction packet having the included packet elements. Even if that modification itself could be shown to be obvious, claim 24 by dependence includes the limitations of claims 19 and 23, which has been shown to include limitations not disclosed by the product of Chelliah and official notice.

As for claim 25, Chelliah in combination with all of elements 4-6 of official notice does not disclose the coupling between vendor commerce systems and a transaction processor via the Internet.

As for claim 26, applicant will assume that element (3) is intended to be argued to disclose back-end processing systems including a plurality of payment verification systems. Even if that modification itself could be shown to be obvious, claim 26 by dependence includes the limitations of claim 19, which has been shown to include limitations not disclosed by the product of Chelliah and official notice.

As for claim 27, and as presently argued for claims 17 and 18, Chelliah in combination with all of elements 4-6 of official notice does not yield a payment proxy system.

As for claim 28, Chelliah in combination with all of elements 4-6 of official notice does not

disclose a transaction capture database coupled to a payment proxy system, at least because the citations do not teach a payment proxy system.

As for claim 29, Chelliah does not disclose the additional elements therein, as argued for claim 17 above. Furthermore, none of elements 4-6 of official notice is argues to disclose any of (1) a payment proxy interface and (2) a plurality of payment connection modules. Applicant assumes that element (6) is intended to be argued to disclose runtime payment logic. However, even if it could be shown that the addition of runtime payment logic were obvious, all the additional elements of the limitations of claim 29 nor the elements of claims 19, 26 and 27 are disclosed by the combination of Chelliah and official notice.

As for claim 30, Chelliah in combination with all of elements 4-6 of official notice does not yield all of (1) a plurality of payment verification systems (as in claim 26), (2) an accounting/billing system and (3) one or more order fulfillment systems.

As for claim 31, and as presently argued for claim 16, Chelliah in combination with all of elements 4-6 of official notice does not disclose a customer database storing customer-specific processing rules that instruct how to process a transaction for a particular customer.

As for claim 32, Chelliah in combination with all of element 4-6 of official notice does not disclose runtime scripting information for determining how to process transactions, stored to a customer or merchant database. (The examiner asserts that it would have been obvious to include scripting rules, which will be rebutted presently.)

As for claim 33, Chelliah in combination with all of element 4-6 of official notice does not disclose merchant-specific payment verification rules, or a database storing those rules.

All the limitations of any of claims 19-33 are therefore not taught by Chelliah and the arguments

of official notice.

As for (B) there is no proper motivation to combine Chelliah with official notice to yield elements 4-6 above.

As to (4): the examiner takes the position that it would have been obvious to a person of ordinary skill in the art (at the time of the invention) to include in Chelliah identifying the vendor associated with a particular selection, because supplying this information to the customer would allow the customer to make a more informed decision.

Again, the electronic mall of Chelliah permits a customer to perform the procedure of shopping stated in the arguments in general. Applicant notes that if vendor information accompanies a customer's selections, it does not assist the customer to make a more informed decision, as the customer would know from which vendor a selection was made at the time of the selection. Applicant therefore finds the offered motivation to be nonsensical.

As to (5), the examiner alleges that a predetermined format is obvious because it "assure(s) speedy processing of the information amongst the various subsystems". Absent the examiner's specific remarks, applicant can only assume that this assertion is directed to claim 24. Applicant notes that transaction packets including (1) customer authentication information, (2) merchant authentication information, (3) a time stamp and (4) one or more entry items are unnecessary in the electronic mall of Chelliah because that data, to the extent that it exists, is retained internally in the Sales Representative Program Object. There is therefore no need to transmit packets, as there is no need for another object to receive that information. There is no motivation, therefore, to include a transaction packet including 1-4 above.

As for the reference beginning at col. 6, line 66, that reference suggests that each participant store of an electronic mall may select a combination of subsystems to suite its operating style. There is

no motivation there, explicit or inherent, to include a separate transaction processor (as in claim 19) or use any particular format (as in claim 24).

As for the reference at col. 8, lines 50-60, that reference merely suggests an object that vendors of External Commerce Subsystems be able to provide wrappers to the electronic mall system so their financial systems can be used. That does not suggest a transaction packet or a packet containing any particular information.

As to (6), the examiner alleges that it would have been obvious to a person of ordinary skill in the art at the time of the invention to include scripting rules in the system of Chelliah, with the stated motivation that this would assure that the payment was processed properly.

Applicant notes that Chelliah already has provisions for assuring that payments are processed properly, as stated in col. 16 lines 55-67. Chelliah does not offer any guidance as to what form of programming would be suitable or advantageous, i.e. scripting, simple rules, hard-coding, etc. The examiner has not offered a valid reason why a person of ordinary skill would choose scripting rules over other methods to assure that payments are processed properly.

#### RESPONSE TO EXAMINER'S REBUTTAL

The in the latest office action the examiner presented the following rebuttal to the applicant's response of 6/20/2003:

*In regards to claim 15, applicant argues that the cited col and lines of Chelliah "discloses a "Sales Representative Program Object for Multiple Stores" and "maintaining a list of all items selected by the customer", but does not teach nor enable the processing of such a list." The examiner disagrees and points the applicant's attention to col 3, lines 46-55 and the deselecting of an item from a list (shopping cart) and the recalculation of the total price (processing of the list),*

*In regards to claim 16, applicant argues that Chelliah does not disclose a database*

*containing rules used by a transaction processing system to process transaction order items specific to vendors and customers. The examiner disagrees and points the applicant's attention once again to col 15, lines 6-23. Note that it is "the stores" database that holds "pricing rules" specific to the stores offered coupon. Furthermore, once again the examiner cites col 4, lines 49-60, which states "means for accessing the customer information database" which include "...forms of payment available to the customer" a rule being, use the payment available in the database.*

*In regards to claim 17, applicant argues that the reference does not disclose a payment proxy interface for communicating with the transaction processor, as a participant program object serves a different purpose than a transaction processor and the two should not be equated. The examiner is unable to ascertain the applicant's argument since the applicant does not define to the examiner the "different purposes" and why "the two should not be equated". However, FIG 8A, clearly shows a payment proxy interface (payment handler, item 183,184 that sends back pass or fail message). Applicant also argues that the system of Chelliah appears to be monolithic and does not teach a plurality of verification systems, however, at least figure 8A, shows different forms of payment being processed by the payment verification system of Chelliah.*

*In regards to claim 18, applicant argues that Chelliah does not teach the use of both local shopping carts and global shopping carts. The examiner disagrees. Microsoft Computer Dictionary defines shopping cart as "a file in which an online customer stores information on potential purchases until ready to order". Clearly this is taught by Chelliah's list from various stores (global), that can be amended to present a finalized order upon checkout, this could also be done for one store (local) if so desired. Also, the applicant is directed to col 14, lines 64-67 which stated that the list is "...analogous to a shopper placing an item in a shopping cart in preparation for purchase." In regards to the transaction processor, the examiner further directs the applicant's attention to col 13 through col 23, with particular attention to col 14 "Transaction Processing".*

*In regards to claims 19-33, applicant's arguments fail to comply with 37 CFR 1.111 (b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.*

Applicant now rebuts those arguments.

In regard to the arguments concerning claim 15, the applicant previously stated that "The reference at col. 27 lines 51-59 discloses a "Sales Representative Program Object for Multiple Stores" and "maintain(ing) a list of all items selected by the customer", but does not teach nor enable the processing of such a list to fulfill an order." As argued above for claim 15 and in the

arguments in general, description of the “embodiment” containing the “Sales Representative Program Object for Multiple Stores” does not disclose how to process an order containing items to be purchased from different vendors. The examiner points to Chelliah col. 3, lines 46-55 for support, but that reference does not disclose a purchasing procedure but rather the selecting and deselecting of items relative to a customer monitoring object. Applicant points out that the pertinent limitation includes “(F) segmenting the ... information stored in the global shopping basket and aggregating the individual product order items by vendor.” That segmenting and aggregating are different activities than selecting and deselecting items to be purchased. Applicant's prior arguments are thereby reinforced and valid.

In regard to the arguments concerning claim 16, the examiner asserts Chelliah col. 15, lines 6-23 to show the limitation “querying a vendor database to obtain vendor-specific processing rules used by the transaction processing system to process the transaction order items for a particular vendor.” While col. 15, lines 6-23 may disclose “the stores” database that holds “pricing rules” specific to a store's offered coupon, those are pricing rules, not processing rules to process transaction order items for a particular vendor. The examiner further refers to col. 4, lines 49-60 for support of the limitation of “querying a customer database to obtain customer-specific processing rules used by the transaction processing system to process the transaction order items for a particular customer”. Applicant submits that the information contained in the “customer information database” spoken of at that reference would take the form of a list or checklist, as it “preferably includes information related to forms of payment available to the customer.” Mere lists of available payments are not processing rules.

As to the arguments about claim 17, applicant has re-argued this point and these references above for claim 17. Figure 8a does not show a payment proxy interface: step 183 is a mere call to a “payment handler”. The examiner has not shown, nor can he show, that the payment handler includes a payment proxy interface, because the call to the payment handler is not through a universal interface that can receive requests from a transaction processor (see application

specification page 24 line 15 “The basic purpose of the payment proxy system is to provide a universal payment verification interface ...”) Step 184 is a branch to repeat a payment method selection loop if the call to the payment handler indicates that payment was not “OK”, and contributes little to the arguments. The examiner further argues that the system of Chelliah is not monolithic because figure 8A shows different forms of payment being processed by the payment verification system (applicant formerly argued that Chelliah was monolithic in this regard and not modular). Applicant points out that offering a choice between several options does not yield modularity. Applicant submits that one skilled in the art would understand modularity in this context to mean that the payment connection module objects are capable of being added or subtracted from the payment proxy system without substantial changes to the surrounding or connecting objects. Chelliah offers no such disclosure.

As to the arguments about claim 18, applicant intended to demonstrate that Chelliah does not teach the use of both local and global shopping carts in combination (at the same time or in the same system.) A careful reading of claim 18 reveals that local shopping carts are maintained at each vendor commerce system and a global shopping basket is maintained at the transaction processor. Chelliah certainly does not disclose the use of local and global shopping carts in combination.

As to the reference at col. 14, lines 64-67 merely states what is already well understood, that an “electronic” shopping cart is analogous to a physical shopping cart. As to the examiner's comments regarding cols 13-23, applicant has argued above that Chelliah does not disclose a transaction processor that accords to the specification, i.e. may interface with several vendor commerce systems (the Sales Representative Program Object is created when a customer selects a store: col 10, line 33). Additionally, the claim limitation requires that the transaction processor have an interface for communicating transaction information between the local and global shopping basket. Chelliah offers no such disclosure.



As to the statement concerning the applicant's reasons for allowability of claims 19-33, applicant submits that those arguments were not merely general allegations that those claims defined patentable inventions and did specifically point out how the language of the claims patentably distinguished them from the references (i.e. Chelliah). Due to a general lack of specificity in the arguments of rejection, applicant was as specific as possible in his statements. Applicant objects to being placed in the position of "immediately describing the automobile that will be parked in that parking space when the owner gets around to parking it there".

In this response, applicant has not merely refuted the arguments relying on specific locations in the citations, but has gone above and beyond to show how the entire Chelliah reference is unsupportive of the arguments of rejection. Applicant reminds the office that it has not yet met its obligations to (1) provide the pertinence of each reference, if not apparent, clearly explained (37 CFR 1.104(c)(2)) and (2) provide documentary support for all assertions of official notice. Applicant furthermore objects to this action being made final, as he has not yet had opportunity to rebut at least the allegations of official notice. Applicant, of course, will release the office from these obligations if the applicable claims are allowed.

For the above stated reasons, applicant strongly asserts that all of claims 15-33 as presently constituted are allowable over the Chelliah reference and over the allegations of official notice. Applicant requests reconsideration of all present claims, and speedy allowance thereof.

Respectfully submitted this 12 day of April, 2004.



Everett D. Robinson  
Reg. No. 50,911  
PARSONS, BEHLE & LATIMER  
201 South Main Street, Suite 1800  
P.O. Box 45898  
Salt Lake City, UT 84145-0898  
(801) 805-3925